

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KRISTYN DAWSON, an individual,

Case No. 3:16-cv-01427-HZ

Plaintiff,

v.

TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE

BANK OF NEW YORK MELLON, a Delaware corporation; BANK OF AMERICA, N.A. and its subsidiaries including aka Bank of America Loan Servicing, LP, Countrywide Financial Corporation, and Countrywide Home Loans, Inc.; and DITECH FINANCIAL, LLC as successor by merger to Green Tree Servicing LLC,

Defendants.

Based on the record, including the Complaint, Motion for Temporary Restraining Order [6], Declaration of Plaintiff, and supporting memorandum, the Court finds that:

1. Pursuant to FRCP 65, reasonable cause exists to issue a temporary restraining order;
2. If the Defendants are not immediately restrained from conducting a non-judicial foreclosure sale scheduled for July 22, 2016, the Plaintiff will suffer irreparable injury, loss, or damage in the form of the loss of her real property located at, and commonly known as, 36480 SW Boitano Road, Sandy, Oregon 97055;
3. The plaintiff made a good faith effort to inform all the parties of her intent to seek an injunction;

1 – TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION

Therefore, Plaintiff's motion for temporary restraining order [6] is granted, and it is ORDERED that:

4. Defendants BANK OF NEW YORK MELLON, a Delaware corporation; BANK OF AMERICA, N.A. and its subsidiaries including aka Bank of America Loan Servicing, LP, Countrywide Financial Corporation, and Countrywide Home Loans, Inc.; and DITECH FINANCIAL, LLC, and its officers, agents, servants, employees, and lawyers, and all other persons in active concert or participation with any of the Defendants who receive actual notice of this order, by personal service or otherwise, are directed as follows:

5. The non-judicial sale of the property located at, and commonly known as, 36480 SW Boitano Road, Sandy, Oregon 97055 shall be halted during the period of time that this Temporary Restraining Order is in place;

6. Defendants BANK OF NEW YORK MELLON, a Delaware corporation; BANK OF AMERICA, N.A. and its subsidiaries including aka Bank of America Loan Servicing, LP, Countrywide Financial Corporation, and Countrywide Home Loans, Inc.; and DITECH FINANCIAL, LLC, and those acting on their behalf are prohibited from either directly or indirectly taking any actions to advance or conduct the non-judicial sale of the property during the period of time this Temporary Restraining Order is in place;

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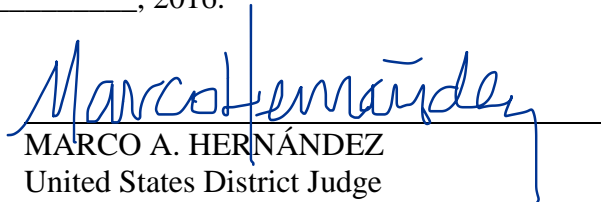
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7. Defendants shall appear before this Court on July 27, 2016 at 9:00 a.m. and show cause, if any, why a preliminary should not be entered granting the same relief described in paragraphs 4, 5, and 6 during the pendency of this action;

8. Plaintiff is not required to give security in connection with this order.

IT IS SO ORDERED

Dated this 18 day of July, 2016.


MARCO A. HERNÁNDEZ
United States District Judge